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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,884	11/24/2000	Emden Gansner	1999-0730	4129

7590

02/04/2004

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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/721,884

Applicant(s)

GANSNER ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's Amendment filed on 11/18/2003 by amending claims 1 and 8. In this Final Office Action claims 1-14 are pending.

Drawings

2. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6, 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peters (US Patent 5,715,334) hereinafter Peters, and in view of Burfeind et al. (US Patent 6,052,648) hereinafter Burfeind.

5. As per independent claims 1, 8, Peters teaches the following:

“a visualization interface” (as per spec., interface is a module and as per prior art, technique is used in a module) at Fig. 5, col. 14, line 63 to col. 15, line 36;

“a plurality of processing tools” at Fig. 6, col. 18, line 59 to col. 19, line 1;
Fig. 23, col. 29, lines 22-25;

“means that enables streaming the data to and through one or more said processing tools to create data results for updating one or more objects, which one or more objects may be displayed by the visualization interface” at Fig. 23, col. 29, lines 22-65.

Peters does not teach accessing data in a self-describing format. However, Burfeind teaches “means for accessing a plurality of data files that had been converted to a uniform self-describing format” at Fig. 5-6, 9, col. 5, lines 2-13. Thus, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate accessing data in a self-described format. Peters and Burfeind are combined as they teach visualization of images and to relate

accessing data format. In order to visualize the required image, audio and video input are real-time mapped into texture image.

6. As per dependent claims 2, 9, Peters teaches "the visualization interface provides linked views of the data results" at col. 28, lines 29-33.
7. As per dependent claims 3, 10, Peters teaches "the visualization interface is capable of presenting a statistical two-dimensional view, a pixel-oriented two-dimensional view, and a dynamic three-dimensional detailed view" at Fig. 23, col. 29, lines 22-28; col. 3, lines 46-60; col. 28, lines 26-37.
8. As per dependent claims 4, 11, "the visualization interface can access the data results as the processing tools are working on the data" at Fig. 6, col. 18, line 59 to col. 19, line 1.
9. As per dependent claims 5, 12, Peters teaches "the visualization interface enables selection of a portion of the data results such that data corresponding to the portion selected may be accessed and processed in real-time to create second data results that are displayed on the visualization interface" at col. 6, line 59 to col. 7, line 6.
10. As per dependent claims 6, 13, Peters teaches "the processing tools enables creation of new processing expressions that are compiled and dynamically linked to the processing tools" at Fig. 6, col. 18, lines 59 to col. 19, line 5.
11. Claims 7, 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peters (US Patent 5,715,334) hereinafter Peters, in view of Burfeind et al. (US Patent 6,052,648) hereinafter Burfeind and admitted prior art (Hereinafter, APA).

12. As per claims 7, 14, Peters does not explicitly teach accessing the data using direct IO. However, APA teaches accessing data using direct IO (see the instant application on Page 7, Lines 140-141). It would have been obvious to one of those skilled in the art that there would be a faster way to access data directly from devices instead of normal way of accessing data.

Response to Arguments

13. Applicant's arguments filed on 11/18/2003 have been fully considered but they are not persuasive and details as follows:

a) Applicant's argument stated as "The Examiner asserts that Peters discloses a visualization interface, a plurality..." see Amendment page 6, paragraph 3.

In response to Applicant's argument, Examiner respectfully disagrees with the Applicant because Peters (US Patent 5,715,334) hereinafter Peters do teach at Fig. 5, col. 14, line 63 to col. 15, line 36.

b) Applicant's argument states as "Since the data stored in the memory of Burfeind et al's arrangement is NOT in a 'self describing format' clearly requires that format..." see Amendment page 7, paragraph 4.

In response to the Applicant's argument, Examiner disagrees with the Applicant, since Burfeind et al. (US Patent 6,052,648) hereinafter Burfeind do teach this limitation at Fig. 5-6, 9, col. 5, lines 2-13. The recitation of the

intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

16. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

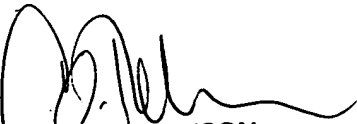
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Sathyanarayan Pannala
Examiner
Art Unit 2177

srp
January 15, 2004


GRETA ROBINSON
PRIMARY EXAMINER